

## MEETING MINUTES CITY OF MILPITAS

**Minutes of:** Special Meeting of the Milpitas City Council  
**Date:** Tuesday, December 13, 2016  
**Time:** 5:00 PM Closed Session  
6:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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### CALL TO ORDER

Mayor Esteves called the meeting to order at 5:00 PM. The City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Councilmembers Giordano and Grilli

**ABSENT:** Vice Mayor Montano and Councilmember Barbadillo were absent at roll call and arrived for the Closed Session.

Mayor-elect Tran and Councilmembers-elect Nuñez and Phan were in the audience until the swearing-in.

### CLOSED SESSION

City Council convened in Closed Session to discuss three items as listed on the meeting agenda.

City Council then convened in Open Session at 6:16 PM.

### ANNOUNCEMENT

City Attorney Chris Diaz announced that the City had concluded labor negotiations with IAFF Local (firefighters) and so the Memorandum of Understanding would be on the agenda for approval at the next City Council meeting.

### PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

### INVOCATION

Vice Mayor Montano read a prayer from the bible and wished all a Merry Christmas.

### MEETING MINUTES

Motion: to approve the minutes of November 14, 2016 City Council special meeting

Councilmember Giordano reported that, regarding her vote on the last motion of the meeting on November 14 (page 7 of the minutes), her intention was to vote yes (not No as recorded) regarding an alternative site for contractor Waste Management to deliver solid waste.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

### AGENDA/CONSENT

Motion: to approve the consent calendar, including adoption of Resolution No. 8624 Supporting Effort to Declare a National Heritage Area in Santa Clara County

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ELECTION RESULTS**

City Clerk Mary Lavelle reported the certified election results from the Santa Clara County Registrar of Voters of the General Municipal Election held on Tuesday, November 8, 2016. Those results revealed that Rich Tran was elected as Mayor, and Bob Nuñez and Anthony Phan were elected as City Councilmembers. Additionally, four Ballot Measures – I, J, K and L – were all successfully approved by majority vote on the November ballot.

Upon receiving the report of the election results from the Clerk, the City Council was requested to officially adopt a resolution to confirm the certified results.

Motion: to receive the City Clerk's report and to adopt Resolution No. 8625 confirming the canvass of returns and declaring results of the General Municipal Election on November 8, 2016, per Elections Code §10262

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **PRESENTATIONS**

Councilmember Giordano provided remarks, upon her reflection after twelve years in office as an elected official. She was proud of the City's achievements and thanked her supporters.

Vice Mayor Montano provided remarks, after her four-year term on the City Council. She also was satisfied with progress in the City during her time served as an elected official.

Mayor Esteves presented each woman with a US flag in an engraved box as a token of thanks for their service to the City of Milpitas and its citizens. He provided his remarks, with some review of the progress of the City over the past six years, during his three terms as Mayor. He acknowledged his colleagues, Commissioners and the City Manager and city employees.

Councilmember Grilli thanked the three departing elected officials. Her time was brief with all three of them and she appreciated working with them. She presented a gift to each.

## **SWEARING-IN INVOCATION**

Mayor Esteves called Minister Leebo Pomele to the podium to provide a swearing-in invocation, and he had been invited by Mr. Tran.

## **NEW MAYOR**

Ms. Madison Nguyen gave the ceremonial oath of office to Richard Tran, swearing him in as the new Mayor of the City of Milpitas to a term of two years.

## **NEW COUNCIL**

Mr. Armando Gomez provided the ceremonial oath of office to Anthony Phan and Pastor Jeff Moore provided the ceremonial oath to Bob Nuñez, as new members of the Milpitas City Council each serving a term of four years.

## **MAYOR'S REMARKS**

Mayor Tran gave a speech to the audience upon taking the office of Mayor, thanking his many supporters and family members for their support during his campaign. He asked to summon a new spirit of patriotism.

## **BREAK & OATHS**

The City Council took a break for refreshments in the City Hall lobby rotunda. City Clerk Mary Lavelle administered the official oath of office to each of the three newly elected officials at the dais then. Each elected member and the City Clerk signed official oaths of office and she provided a signed Certificate of Election to Mr. Tran, Mr. Phan and Mr. Nuñez.

Mayor Tran reconvened the City Council at 7:55 PM in Council Chambers. The City Clerk noted that the newly seated Mayor and City Councilmembers joined current members at the dais for the remaining portion of the meeting.

## **PUBLIC FORUM**

Joseph Weinstein, Milpitas resident, congratulated newly elected members. He had some concern about the consent item adopted after the last Council meeting, regarding the National Heritage

Area issue. He heard other cities were trying to get out of it now with the idea that counties were trying to supercede cities in this area. City Council may want to re-consider.

Robert Marini, Milpitas resident, commented about a loss of revenue due to age discrimination lawsuits. He referenced hiring the new attorney, due to a need for saving money. The City could not afford to lose \$1 million.

Rob Means, 1421 Yellowstone, referred to the oath and upholding the Constitution. He talked about the national elections in the U.S. last month, and recent news.

Michael Tsai, Milpitas resident, was pleased to hear Mayor Tran talk about support of public safety, which was an important priority for the community. He noted the recent decision at the San Jose Planning Commission about the expansion of Newby Island Landfill, where Mr. Tsai was pleased to see Mayor Tran, in a position of leadership, and leading from the front.

#### **ANNOUNCEMENTS**

Councilmember Nuñez asked to review the topic that Mr. Weinstein referred to and if it could be discussed at the next Council meeting. City Manager Williams replied staff could return with that item in January. City Attorney Diaz noted Council could direct staff to research and consider taking a future action if desired, on that resolution.

City Manager Williams warmly congratulated and welcomed the three newly elected officials, noting that the senior staff looked forward to working with the new City Council.

#### **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz did not need to ask the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions, because it was not necessary without any action items. He explained this requirement for each City Council meeting.

#### **ELECTION of VICE MAYOR**

Motion: to appoint Councilmember Grilli as Vice Mayor to serve a two year term for 2016-18

Motion/Second: Mayor Tran /Councilmember Phan

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **COMMISSIONS REPORT**

City Clerk Mary Lavelle provided an overview of the City's 14 Commissions, including the Planning Commission among others. She described the membership of each Commission, the process for appointment by the Mayor, and the general purpose of each one. In addition, the Clerk gave some information to the City Council of 17 agencies, committees and boards outside of the City where City Councilmembers serve and were appointed, such as ABAG, the Cities Association of Santa Clara County and other government entities.

Mayor Tran asked his colleagues for input from them considering Commissions of interest and then to e-mail him with their requests for appointment as liaisons.

City Manager Williams recommended that the Council schedule these appointments for the next meeting scheduled on January 3, 2017.

Also noted for Councilmembers was the requirement to file the FPPC Form 700/Statement of Economic Interests due to the City Clerk within 30 days of taking office.

#### **ADJOURNMENT**

Mayor Tran adjourned the City Council meeting at 8:35 PM.

**The foregoing minutes were approved by Milpitas City Council on January 3, 2017.**

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Mary Lavelle, Milpitas City Clerk